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1501 W. Washington St.
Phoenix, AZ 85007

IN THE SUPREME COURT

STATE OF ARIZONA

PETITION TO AMEND RULE 3.2,)	No. R-20-0004
RULE 4.1, AND RULE 41, FORMS 2(a))	
AND 2(b), ARIZONA RULES OF)	Notice of Errata
CRIMINAL PROCEDURE)	
_____)	

The January 8, 2020 filing in this matter included an Appendix that showed Petitioner’s proposed amendments to current Rules 3.2 (“Content of a Warrant or Summons”) and 4.1 (“Procedure upon Arrest”). The Appendix used strikethrough to show deletions to the current language of these rules, and underline to show additions to the current language.

Proposed Rule 3.2, subpart (a)(2) (“Bond for Felony Warrants”) was additional new language. That subpart should have been shown in the original Appendix with underline, but it was not.

In addition, the word “and” was inadvertently omitted in the third of four subparts in proposed Rule 3.2(a)(1)(C), and a semi-colon was improperly shown at the end of Rule 3.2(a)(1)(D), rather than a period.

The Appendix attached to this Notice of Errata corrects these errors and omissions.

RESPECTFULLY SUBMITTED this 25th day of February 2020.

David K. Byers, Administrative Director
Administrative Office of the Courts

Corrected Appendix

Proposed amendments to the Rules of Criminal Procedure, Rules 3.2(a) and 4.1(a).
Deletions are shown by ~~strikethrough~~. Additions are shown by underline.

Rule 3.2. Content of a Warrant or Summons

(a) Warrant.

(1) Mandatory Provisions. A warrant must:

(~~1~~A) be signed by the issuing magistrate;

(~~2~~B) contain the defendant's name or, if the defendant's name is unknown, any name or description by which the defendant can be identified with reasonable certainty;

(~~3~~C) state the charged offense and whether the offense is one to which victims' rights provisions apply; and

(~~4~~D) command that the defendant be arrested and brought before the issuing magistrate or, if the issuing magistrate is absent or unable to act, the nearest or most accessible magistrate in the same county or in the county of arrest if the defendant is arrested outside the county where the warrant was issued~~;~~.

(2) Bond for Felony Warrants. If the defendant is eligible for release at the initial appearance, the issuing magistrate may include on the felony warrant a recommended bond (deposit, cash, unsecured, or secured appearance) and a recommended bond amount. However, when the warrant is issued for a felony offense, the defendant must not be released on bond without having an initial appearance before a magistrate.

(~~5~~3) Bond for Misdemeanor Warrants. If the offense for which the warrant is issued is a misdemeanor, the warrant may state the amount of an ~~an~~ deposit, cash, unsecured, or secured appearance bond, if the defendant is bailable as a matter of right.

(b) Summons. [No change]

Rule 4.1. Procedure upon Arrest

(a) Prompt ~~Initial~~ Appearance Before a Magistrate. An arrested person must be promptly taken before a magistrate for an initial appearance. At the initial appearance, the magistrate will advise the arrested person of those matters set forth in Rule 4.2. If the

initial appearance does not occur within 24 hours after arrest, the arrested person must be immediately released from custody. If a misdemeanor warrant states the amount of a deposit, cash, unsecured, or secured appearance bond, as provided in Rule 3.2(a)(3), and the arrested person has posted the bond prior to the initial appearance, the arrested person must be promptly released from custody.

(b) through (e). [No change]

Form 2(a): Felony Arrest Warrant

COURT

County, Arizona

STATE OF ARIZONA, Plaintiff

-vs

Defendant(s) (First, MI, Last)

Address: _____

CASE NO.

ARREST WARRANT

Fingerprint instruction upon arrest:

☐ 01 criminal history [check if required]**TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER**

YOU ARE COMMANDED to arrest and bring the defendant before this court. If this court is unavailable, you must take the defendant to the nearest or most accessible magistrate in this county. If the arrest is made in another county, you must take the defendant before the nearest or most accessible magistrate in that county.

The defendant is accused of an offense or violation based on the following (examples: initial arrest warrant, failure to appear in court, probation violation): _____

This offense or violation is described as follows:

Offense Date **Statute/Rule & Literal Description**

Class

The defendant must NOT be released on bond without having an initial appearance before a magistrate.

If the defendant is eligible for release at the initial appearance, the recommended amount for a
[☐ *secured appearance*] [☐ *unsecured appearance*] [☐ *deposit*] or [☐ *cash*] bond is \$ _____

☐ Explanation regarding the recommended amount: _____

☐ There is no recommendation.

☐ The defendant is not eligible for release on bond. [Explain / add additional orders of the court]

☐ Yes ☐ No ☐ Unknown The offense is, or is materially related to, a victims' rights applicable offense.

BY ORDER OF: The Honorable _____, Judge of _____ Court. [If signed by the Deputy Clerk]

Date

[Printed name of the Judge or Deputy Clerk of the Superior Court]

SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
ADDRESS: [TYPE:]						
COURT ORI:		WARRANT #: *		EXTRADITION: *		
DL#: *		STATE: *		PURGE DATE: *		
LE AGENCY: [Arresting Agency]		CITATION #: *		DR #: *		

[*optional information can vary by court and may include the last four digits of the defendant's SSN]

CERTIFICATE OF EXECUTION

I certify that the defendant was arrested at _____ a.m./p.m. on _____, 20____,
(month) (day) (year)
and presented defendant before Judge _____ at _____.

Date

Agency

Deputy Sheriff / Officer

Badge #

Form 2(b): Misdemeanor Arrest Warrant_____
COURT _____ **County, Arizona**

STATE OF ARIZONA , Plaintiff _____ Defendant(s) (First, MI, Last) Address: _____ 	CASE NO. ARREST WARRANT Fingerprint instruction upon arrest: <input type="checkbox"/> 01 criminal history [check if required]
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TO: ANY AUTHORIZED LAW ENFORCEMENT OFFICER

YOU ARE COMMANDED to arrest and bring the defendant before this court. If this court is unavailable, you must take the defendant to the nearest or most accessible magistrate in this county. If the arrest is made in another county, you must take the defendant before the nearest or most accessible magistrate in that county.

The defendant is accused of an offense or violation based on the following: (examples: initial arrest warrant, failure to appear in court, probation violation): _____

This offense or violation is described as follows:

Offense Date	Statute/Rule & Literal Description	Class
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☐ Yes ☐ No The defendant may be released without having an initial appearance before a magistrate upon the posting of a [☐ *secured appearance*] [☐ *unsecured appearance*] [☐ *deposit*] or [☐ *cash*] bond in the amount of \$ _____.
☐ Yes ☐ No ☐ Unknown The offense is, or is materially related to, a victims' rights applicable offense.

Date_____
Judge [Judge's Name Printed]

SEX:	RACE:	DOB:	HGT:	WGT:	EYES:	HAIR:
ADDRESS: [TYPE:]						
COURT ORI:		WARRANT #: *		EXTRADITION: *		
DL#: *		STATE: *		PURGE DATE: *		
LE AGENCY: [Arresting Agency]		CITATION #: *		DR #: *		

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Date_____
Agency_____
Deputy Sheriff / Officer_____
Badge #